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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/673,107

09/27/2003

John R. Klug

1948/US/2

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7590

06/16/2005

DORSEY & WHITNEY, LLP
INTELLECTUAL PROPERTY DEPARTMENT
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DENVER, CO 80202-5647

EXAMINER

COSIMANO, EDWARD R

ART UNIT

PAPER NUMBER

3639

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 10/673,107	Applicant(s) KLUG, JOHN R.	
	Examiner Edward R. Cosimano	Art Unit 3639	

All participants (applicant, applicant's representative, PTO personnel):

(1) Edward R. Cosimano. (3) Inventor Klug.
 (2) Representative Kennedy. (4) ____.

Date of Interview: 18 May 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
 If Yes, brief description: ____.

Claim(s) discussed: 1-20.

Identification of prior art discussed: art of record.

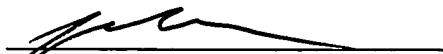
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See attached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


 Examiner's signature, if required

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Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

SUBSTANCE OF INTERVIEW

1. Representative Kennedy and inventor Klug proposed to amend the pending claims as follows:

1. (Currently amended) A computer system[[An apparatus]] for generating a frank, comprising:

a franking request receipt module, operative to receive a request for at least one frank;

wherein the request associates at least one franking criterion[[,]] indicative of the relative importance as specified by an user, with regard to a given communication;

a franking generation module, operatively connected to the franking request receipt module, operative to generate a frank in response to the request for at least one frank and operatively connected to the franking request receipt module; and

a frank transmission module, operatively connected to the franking generation module, operative to transmit a generated frank, the frank transmission module operatively connected to the franking generation module;

whereupon transmission of the generated frank the frank is substantially contemporaneously attached to a communication or saved in a database for latter attachment to a communication.

2. (Currently amended) The computer system[[apparatus]] of claim 1, wherein the franking request receipt module, franking generation module, and frank transmission module are co-located at a franking server.

3. (Currently amended) The computer system[[apparatus]] of claim 1, wherein the franking request receipt module further comprising an communication receipt module operative to receive a communication; and

the apparatus further comprising a franking attachment module operative to attach a generated frank to a received communication, the franking attachment module operatively connected to the communication receipt module and franking generation module.

4. (Currently amended) The computer system[[apparatus]] of claim 3, wherein:
the communication receipt module is further operative to determine whether the communication is franked or unfranked; and

the computer system[[apparatus]] further comprising a verification module operative to verify the authenticity of a frank affixed to a franked communication, the verification module operatively connected to the communication receipt module and further operative to receive the communication from the communication receipt module.

5. (Currently amended) The computer system[[apparatus]] of claim 4, further comprising:

a sender module, operatively connected to the franking request receipt module, the sender module comprising:

a franking generation request module, the franking generation request module operative to generate the request for at least one frank; and

a franking request transmission module operative to transmit the request for at least one frank and operatively connected to the franking generation request module.

6. (Currently amended) The computer system[[apparatus]] of claim 5, further comprising:

a frank receipt module, operatively connected to the franking transmission module, operative to receive the generated frank from the frank transmission module;

a database for storing the generated frank, the database operatively connected to the frank receipt module; and

a frank attachment module operative to attach the generated frank to the communication, the frank attachment module operatively connected to the database.

7 (Currently amended) An computer system[[An apparatus]] for generating and sending a franked communication, comprising:

a frank request module operative to request a frank;

wherein the request associates at least one franking criterion indicative of the relative importance, as specified by a user, with regards to a given communication;

a frank generation module, operatively connected to the frank request module, operative to receive the request, generate the frank and output the frank;

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a frank attachment module, operatively connected to the frank generation module, operative to receive the frank and attach the frank requested by the frank request module to a communication, thereby creating a franked communication; and

a franked communication transmission module, operatively connected to the frank attachment module, operative to transmit the franked communication to at least one recipient.

8. (CANCELLED)

9. (Currently amended) The computer system[[apparatus]] of claim 7, further comprising a frank receipt module, operatively connected to the frank generation module, operative to receive the frank requested by the frank request module and generated by the frank generation module; and

a frank storage module, operatively connected to the frank receipt module, operative to store the frank requested by the frank request module.

10. (CANCELLED)

11. (Currently amended) The computer system[[apparatus]] of claim [[8]] 7, further comprising a sender system on which the frank request module, frank attachment module, franked transmission module, and franked receipt module reside.

12. (Currently amended) The computer system[[apparatus]] of claim 11, further comprising a network node on which the frank attachment module, franked transmission module, and frank generation module reside.

13. (Currently amended) An apparatus for receiving and processing a franked communication, comprising:

a communication receipt module operative to receive a communication;

wherein the communication is associated with at least one franking criterion specified by a [[user]] sender;

a determination module operative to determine whether the communication is franked, the determination module operatively connected to the communication receipt module; and

a franked communication processing module operative to process the communication according to a first rule in the event the communication is franked, the franked communication processing module operatively connected to the determination module.

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14. (Currently amended) The computer system[[apparatus]] of claim 13, further comprising a non-franked communication processing module, operatively connected to the communication receipt module, operative to process the communication according to a second rule in the event the communication is not franked, the non-franked communication processing module operatively connected to the determination module.

15 (Currently amended) The computer system[[apparatus]] of claim 14, further comprising a display module, operatively connected to at least one of the franked communication process module and the non-franked communication processing module, operative to display the communication in a first state dictated by the first rule.

16. (Currently amended) The computer system[[apparatus]] of claim 15, wherein the display module is further operative to display the communication in a second state dictated by the second rule.

17. (Currently amended) The computer system[[apparatus]] of claim 14, wherein the communication receipt module, determination module, franked communication processing module, and non-franked communication processing module are incorporated into an electronic mail application.

18. (Currently amended) The computer system[[apparatus]] of claim 14, wherein the communication receipt module, determination module, franked communication processing module, and non-franked communication processing module are co-located at a network node associated with an Internet service provider.

19. (Currently amended) The computer system[[apparatus]] of claim 14, wherein the communication receipt module, determination module, franked communication processing module, and non-franked communication processing module are co-located at a recipient system.

20. (Currently amended) The computer system[[apparatus]] of claim 14, wherein the communication receipt module, determination module, franked communication processing module, and non-franked communication processing module are co-located at a mail server.

2. The instant disclosure will be amended to address the objections set forth in the Office action mailed 07 December 2004.

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3. In view of the above proposed amendments that have to be formally submitted, the examiner indicated that the rejection under 35 U.S.C. § 112 2nd paragraph as set forth in subsections A, B, C, D, E, F, G, H, I, J, K & M of section 8.1 of the Office action mailed 07 December 2004 would be withdrawn.

3.1 It was noted that claim 13, as set forth in the last Office action contained language which renders the rejection under 35 U.S.C. § 112 2nd paragraph as set forth in subsection L of section 8.1 of the Office action mailed 07 December 2004 moot, hence this rejection is moot.

4. In view of the above proposed amendments that have to be formally submitted, the examiner indicated that the rejection under 35 U.S.C. § 101 as set forth in sections 9.1, 9.2 & 9.3A of the Office action mailed 07 December 2004 would be withdrawn.

5. It was pointed out that the characterizations of the invention as set forth by the examiner in section 10 of the of the Office action mailed 07 December 2004 may be construed to be more narrower than the invention tat is claimed and hence may overly restrict the invention. The examiner agreed and section 10 of the Office action mailed 07 December 2004 as set forth below:

“10. For the purposes of the following rejections the examiner has interpreted a “frank” to be a sender designated/assigned indication of the priority level, e.g. first class, priority, bulk/spam, etc. for a communication, which is consistent with applicant’s disclosure in paragraphs number 33, 89, 118 & 168-179. Where in:

A) claims 1-6 a system generates the frank based on a user/sender’s request;

B) claims 7-13 attached a frank to a communication; and

C) claims 13-20 process a communication based on whether or no the communication ahs been franked.”,

has been amended to more accurately reflect the claimed invention, as follows:

--10. For the purposes of the following rejections the examiner has interpreted a “frank” to be a sender designated/assigned indication of the priority level, e.g. first class, priority, bulk/spam, etc. for a communication, which is consistent with applicant’s disclosure in paragraphs number 33, 89, 118 & 168-179. Where in:

A) claims 1-6 a system generates the frank based on a user/sender’s request;

B) claims 7-13 a system generates and sends a franked communication; and

C) claims 13-20 a system receives and processes a franked communication.--

The above version of section 10 of the Office action mailed 07 December 2004 replaces section 10 of the Office action mailed 07 December 2004 as it appears in the Office action mailed 07 December 2004.

6. In view of the above proposed amendments that have to be formally submitted, the examiner indicated that the rejection under 35 U.S.C. § 103 of claims 1-12 as set forth in section 11.1 of the Office action mailed 07 December 2004 would be withdrawn since the claims would recite an invention in which the claimed "franking criteria" which is "indicative of the relative importance as set by the user" or the sender in a sender based system of claims 1-6 or a intermediary based system of claims 7, 9, 11 & 12 could not be interpreted as the cost related franking criteria that is taught by Kuzma (5,771,289) either alone or in combination with either the teachings of Naudus (6,412,006) or Grande et al (2002/0198850). It is noted that this distinction would remove the rejection of claims 1-12 as set forth in section 9.3B of the Office action mailed 07 December 2004.

7. In view of the above proposed amendments that have to be formally submitted, the examiner indicated that the rejection under 35 U.S.C. § 103 of claims 13-20 as set forth in section 11.2 of the Office action mailed 07 December 2004 would be withdrawn since the claims would recite an invention in which the claimed "franking criteria" which is "set by the sender" in a recipient based system of claims 13-20 could not be interpreted as the identifying code that is set by the recipient's system as taught by Voticky et al (6,351,764) either alone or in combination with either the teachings of Naudus (6,412,006) or Grande et al (2002/0198850). It is noted that this distinction would remove the rejection of claims 13-20 as set forth in section 9.3B of the Office action mailed 07 December 2004.

8. It is noted that the article mentioned in section 13 has been located in the file and hence this requirement is withdrawn.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (571) 272-6802. The examiner can normally be reached Monday through Thursday from 7:30am to 6:00pm. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss, can be reached on (571) 272-6812. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-3600.

9.1 The fax phone number for UNOFFICIAL/DRAFT FAXES is (571) 273-6802.

9.2 The fax phone number for OFFICIAL FAXES is (703) 872-9306.

9.3 The fax phone number for AFTER FINAL FAXES is (703) 872-9306.

05/18/05



Edward R. Cosimano
Primary Examiner A.U. 3639